TEM # 13-0414

ROADWAY IMPROVEMENTS MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF SANTA FE AND THE CITY OF SANTA FE

The City of Santa Fe (City) and Santa Fe County (County) enter into this Memorandum of Understanding (MOU) to address needed capital improvements of certain roadways within the Presumptive City Limit boundaries of Phase II Annexation. This MOU is effective as of the date of the last signature.

Recitals

- 1. The City, the County, and Las Soleras entered into a Settlement and Mutual Release of Claims (Settlement Agreement) on May 19, 2008;
- 2. On February 10, 2009 the City and the County entered into an Annexation Phasing Agreement that defined Phase II of Annexation (Phase II).
- 3. The Settlement Agreement defines certain areas of land to be annexed as the Presumptive City Limits, including Phase II;
- 4. The Presumptive City Limits contains many roadways that are currently operated and maintained by the County, which will become the maintenance responsibility of the City upon annexation;
- 5. Certain County-maintained roadways in the Presumptive City Limits are experiencing deferred maintenance that require improvements to bring them up to customary County maintenance standards;
- 6. The County uses a third-party pavement evaluation system called PASER that rates roadways on a 1-to-10 scale;
- 7. Customary County maintenance standards have produced a County roadway network with an average PASER rating of 6, which will be the minimal standard when turned over to the City.
- 8. If these improvements are not made without this MOU, the City would acquire ownership of certain roadways that would require immediate and substantial investment of City funds;
- 9. Ignoring or delaying needed road maintenance results in costly reconstruction;
- 10. The Settlement Agreement states it "shall not be construed to require the County to provide significant capital improvements to an existing road or construct a new road within the Areas to be Annexed in the absence of a separate written agreement by and between the City

and County that provides a means for financing the capital improvements" Settlement Agreement, p.6 (k); and

11. The MOU confirms the parties' commitment, cooperation, and recognition that partnering activities between governmental entities of similar purposes may produce public benefits beyond what can be produced separately.

Agreement

1. Roadway Improvements.

- A. Prior to the City's acceptance of ownership and maintenance responsibility for roads within Phase II of Annexation, the County shall perform the roadway improvement and maintenance activities identified in "Annexation Phase II Roadways to be Improved and Description of Improvement Activities," attached to this MOU as Exhibit A. Certain road improvements will exceed PASER level 6 for specific surfaced roads, identified in Exhibit A The County shall determine in consultation with the City, the phasing and scheduling of the improvement activities, with the intent to accomplish all activities as quickly as funding allows.
- B. Upon completion of the activities identified in Paragraph A for each individual roadway or roadway segment as listed in Exhibit A, the City and the County shall conduct a joint acceptance inspection.

The City may reject work not meeting the customary roadway and maintenance standards of the County and generate a punchlist annotating the deficiencies. Rejected work shall be redone immediately by the County at the County's expense. Upon acceptance of work by the City, the City and the County shall immediately execute a document that conveys ownership of the accepted roadway(s) or roadway segment(s) from the County to the City.

- C. The parties acknowledge that the items of work identified in "Annexation Phase II Roadways to be Improved and Description of Improvements" are minimal maintenance improvements that do not address structural, operational, capacity, and accessibility deficiencies.
- D. The parties agree to make drainage improvements to Alameda Road in Phase II of Annexation. The parties agree to share the costs of such drainage improvements equally.

2. Term

This MOU shall terminate upon annexation of all of the roads in Exhibit A, unless terminated pursuant to Article 5. This MOU may be extended by the mutual written agreement of the parties.

3. Third Party Beneficiaries

This MOU does not create any third party beneficiaries.

4. <u>Appropriations</u>

This MOU is contingent upon sufficient appropriations and authorization being made by the parties. If sufficient appropriations are not granted, this Agreement shall terminate upon written notice.

5. Amendment

The parties may amend this MOU by mutual written agreement.

6. <u>Conflict of Interest</u>

No elected official, officer, employee or agent of the City or County shall have any personal financial interest in this MOU unless such financial interest is disclosed in advance to the City and County and neither party objects to that person's involvement in the MOU. Neither party shall employ, in the performance of this MOU, a person having a conflict of interest. This Article shall not unreasonably impede the parties desire to provide maximum opportunity for employment of local residents.

7. New Mexico Tort Claims Act

By entering into this Agreement, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Neither the City nor the County waive any defense or limitation of liability under New Mexico law or the New Mexico Tort Claims Act.

8. <u>Dispute Resolution</u>

In the event of any dispute between the parties regarding the enforcement or interpretation of this MOU, the parties agree to first mediate before a neutral mediator mutually agreed to and paid for by the parties.

9. Scope of the Agreement

This MOU supersedes all of the agreements and understandings between the parties concerning County roads in Phase II of Annexation.

10. Applicable Law.

This MOU shall be governed by the laws of the State of New Mexico.

11. Signatures.

This MOU shall be effective as of the date of the final signature.

For the City:	
Dadless	6/10/13
David Coss, Mayor	Date
City of Santa Fe	
Attest:	
youarda y. Digi	6-10-13
Yolanda Y. Vigil, City Clerk Centa 5-873	Date
Approved as to Form:	. / /
Approved as to Form: Teno	6/6/13
Geno Zamora, City Attorney	Date /
21 K	
/men . 1 m 6/3/13	6/7/13
Marcos Tapia, Finance Director	Date '

For the County:

Kathy Hoha	5-20-2013
Kathy Holian, Chair, Board of Santa Fe County Commissioners	Date
Approved as to Form:	
Jon	5-14-13
Stéphen C. Ross, Santa Fe County Attorney	Date
Attest:	
Heraldine Gelagar_lyVT	5/21/13
Geraldine Salazar, Santa Fe County Clerk	Date
Lysa CM arting	5/11/13
Teresa Martinez, County Finance Director	Date

PROPOSED CITY ANNEXATIONS PHASE II

		FROM:		1 10 51 45				Schedul	e for Summer 2013							
MAINTENANCE DISTRICT II ROUTE NAME Country Club Estatos	ROUTE NUMBER	BEGINNING TERMINI	TO: ENDING TERMINI	MILEAGE LENGTH OF MAINTAINED SECTION miles	TOTAL ROADWAY WIDTH feet	SURFACE type	Drainage Rating	Paser Pavement Rating	Visibia Distress	General Condition/PASER Treament Measures	Road Maintenance Manager Recommended Treatment Measures	Contractor Cost of Maintenance Treatment	City of Santa Fe Recommedation	Contractor Cost City of Santa Fe Recommedation	Drainage Cost	Contractor Cost Cli of Santa Fe Recommedation Total Cost
Country Club Estates	+	 		· 												
Fairly Road		Airport Road SR 284	Dead End	0,28	35	asphalt	Fair	3-Poor	Severe raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$78,133.44	Process Place and Compact with 2 st New HMA	\$96,646.29	\$10,000.00	\$106,646.29
Calle de Vencejo		Fairly Road	Dead End	0.31	35	asphalt	Fair	3-Poor	Moderate raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$86,504.88	Process Place and Compact with 2* New HMA	\$107,001.25	\$10,000.00	\$117.001.25
Catle Zanate		Country Club Rd CR 61	Dead End	0.26	35	aspitali	Fair	3-Poor	Moderate raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$72,552,48	Process Place and Compact with 2" New HMA	\$89,742.99	\$10,000,00	\$99,742.99
Calle Chupa Rosa		Calle Zanate	Caile de Vencejo	0.14	36	asphalt	Fair	3-Poor	Moderate ravellng, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$39,066.72	Process Place and Compact with 2" New HMA	\$48,323.15	\$10,000.00	\$58,323,15
Calle Tangara Jimenez Subdivision		Calle Zanete	Calle de Vencejo	0.18	35	asphalt	Fair	3-Poor	Moderate raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$44,647.68	Process Place and Compact with 2" New HMA	\$65,226.45	\$10,000,00	\$65,226,45
Morning Drive		Agua Fria	Dead End	0.61	20	asphalt	Fair	2-Very Poor	Severe raveling, patches in bad condition, block cracking over 50% of surface	Severe deterioration, needs reconstruction with extensive base repair. Pulverization of old pavement is effective	Reconstruction with 3" HMA and 6" Basecourse	\$488,273,28	Process Place and Compact with 2" New HMA	\$120,314.77	\$10,000,00	
Morning Street		Morning Drive	Dead End	0,03	20	asphelt	Good	6-Good	Slight raveling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Fog Seal		2" Mill and Inlay	\$5,769.28	\$10,000.00	\$130,314.77 \$15,769.28
Morning Lane		Morning Drive	Dead End	0,03	20	asphalt	Good	6-Good	Slight raveling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Fog Seal		2" Mill and Inlay	\$5,769.28	\$10,000,00	\$15,769,28
Mutt Nelson Road	48G	W Frontage Road	Calle Unidad	0.92	22	asphalt	Fair	5-Fair	Raveling, transverse and longitudinal cracks, block cracking in areas, aligator cracksing in some areas	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$516.60 \$55.570.94	Process Place and Compact with 2" New HMA	\$199.604. 1 8	\$10,000,00	\$15,769,28 \$199,604,18
Mutt Nelson Road	46G	End of Asphalt	Calle Unidad	1.05	22,00	basecourse						750,5.55	4" New Basecourse	\$58.544.64		\$58,544.64

Exhibit A – Page 1 of 4

MAINTENANCE DISTRICT II ROUTE NAME	ROUTE NUMBER	FROM: BEGINNING TERMINI	TO: ENDING TERMINI	MILEAGE LENGTH OF MAINTAINED SECTION miles	TOTAL ROADWAY WIDTH	SURFACE type	Drainage Rating	Pavement Rating	Visible Distress	General Condition/PASER Treament Measures	Road Maintenance Manager Recommended Treatment Measures	Contractor Cost of Maintenance Treatment	City of Santa Fe Recommedation	Contractor Cost City of Santa Fe Recommedation	Drainage Cost	Contractor Cost C of Santa Fe Recommedation Total Cost
own and Country Subdivision								Schedul	e for Summer 2014							
Camino Jalisco		Richards Avenue	End of Cold Millings	0.25	20	cold millings	Good	6-Good	Slight raveling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Fog Seal	## ## ## ## ## ## ## ## ## ## ## ## ##	Process Place and Compact with New Double Pentration			\$0.00
Calle VeraCruz	ļ <u>.</u>	Camino Jalisco	Durango Drive	0.43	20	cold millings	Good	6-Good	Slight raveting, longitudinal and transverse cracking less than 1/2" wide some cracks sealed		Fog Seal	\$2,640.00 \$4.540.80	Chip Seal Process Place and Compact with New Double Pentration Chip Seal	\$40,597.33	\$5,000,00	\$45,597.33
Durango Drive Other Roads		Camino Jalisco	Richards Ave	0.33	22	asphalt	Good	7-Good	Longitudinal and transverse cracks less than 1/4"	First Signs of Aging, Maintain with routine Crack Filling	Crack Seal		Crip Seal Crack Seal, Fog Seal, repair drop off areas	\$69,827.41 \$10,000.00	\$5,000.00 \$5,000.00	\$74,827.41 \$15,000.00
country Club Road Geo	61 61A	SR 284 Airport Rd SR 284 Airport Rd	Private Road Dead End	0.34 0,28	34	asphalt asphalt	Good Fair	8-Very Good	Transverse Crack	Recent sealcoat or new mix. Little or no Maintenance required	Little or No Maintenance Required	\$0.00	Do Nothing			\$0.00
emez Road	618	CR 66 Agua Fria Rd	SR 284 Airport Rd	0.80	22	asphalt	Fair	5-Fair	Longitudinal and traverse cracks open 1/2" some patching in fair condition	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	# 10.000 FG	Address Sub Grade			\$0.00
aja Del Oro Grant Road	62	CR 66 Agua Fria	NM 599	0.17	28	asphait	Poor	5-Fair	Block Cracking less than 50%	Surface aging, sound structural condition, needs seal cost or thin non-structural overlay	Chip Seal	\$48,322,56 \$13,069,06	Failed Areas Address Sub Grade Failed Areas, Crack	\$50,000.00		\$50,000.00
gua Frla	66	City Limits	Airport Rd	1.58	40	asphalt		5-Fair	patching in fair condition	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal		Seal, Fog Seal Process Place and Compact with 3"	\$35,000,00		\$35,000.00
an Felipe	66	Agua Fria	Airport Rd	0.38	40	asphalt		2-Very Poor	Longitudinal edge cracking, aligator cracking more than 25%, Block Cracking, Severe rutting	Severe deteriolation, needs reconstruction with extensive base repair	Reconstruction 3" HMA with 6" Basecourse		New HMA Process Place and Compact with 3* New HMA	\$875,395.84		\$875,395.84
												\$646,014.34	New HMA	\$210,538.24 \$1,291,358.83		\$210,538.24 \$1,306,358.83

MAINTENANCE DISTRICT II ROUTE NAME	ROUTE NUMBER	FROM: BEGINNING TERMINI	TO: ENDING TERMINI	MILEAGE LENGTH OF MAINTAINED SECTION miles	TOTAL ROADWAY WIDTH	SURFACE	Drainage Rating	Paser Pavement Rating	Visible Distress	General Condition/PASER Treament Measures	Road Maintenance Manager Recommended Treatment Measures	Contractor Cost of Maintenance Treatment	City of Santa Fe Recommedation	Contractor Cost City of Santa Fe Recommedation	Drainage Cost	Contractor Cost Cl of Santa Fe Recommedation Total Cost
	,							Schodu	le for Summer 2015		I weasures	<u> </u>	<u> </u>			
Agua Fria	66	San Felipe	Camino Juliana	0.50	40	T	1	Jonean	le for Summer 2015		·				* *	-
Rancho de la Luna Subdivision	т				40	dirt		<u> </u>					Place 4" Basecourse	#50 000 00		
Florence Road		Mutt Nelson Road	Prince Road	0,19	18.5					T	T			\$50,688.00	L	\$50,688.00
Barton		Mutt Nelson Road	Prince Road			dirt	- 	├ 				1	Place 4" Basecourse	\$8,908.42	242.000.00	
			Prince Acad	0.19	18.5	dirt	<u> </u>						Place 4"		\$10,000.00	\$18,908,42
Prince Road Remuda Ridge Subdivision	 -	Dead End	Dead End	0.47	18.5	dirt					 	 	Basecourse Place 4"	\$8,908.42	\$10,000,00	\$18,908.42
				 						 	-	<u> </u>	Basecourse	\$22,036.61	\$10,000.00	\$32,036,61
North Chaparrat		Calle Prado	Dead End	0.10	22	cold millings	Poor	3-Poor	Many Patches, edge loss,	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends			Process Place and Compact with New Double Pentration	-		\$0,00
							T	347001	block cracking Extensive loss of surface.	the life of the overlay	Fog Seal	\$1,161.60	Chip Seal	\$17,862,83	\$10,000,00	\$27,862.83
Reata Road		W. Frontage Road	Dead End	0,64	22	cold millings	Fair	2-Very Poor	severe edge distortion, severe	Severe Deterioration Needs patching and repair prior	Fog Seal	\$7,434.24	Process Place and Compact with 3* New HMA	\$195,024.90	\$10,000.00	\$205,024.90
Chalan Road		Resta Road	Dead End	0,32	22	cold millings	Poor	3-Poor	Many raveled cracks, severe block cracking, patches and edge deteration	to major overlay. Milling and removal of deterioration extends the life of the overlay	Fog Seal	\$3,717,12	Process Place and Compact with New Double Pentration			\$205,024,90
Cemino Charro		Reata Road	Dead End	0.22	22	cold millings	Poor	4-Fair	Severe Raveling, alligator cracking, many patches edge loss	Significant aging and first signs of need on strengthening. Would benefit from a structural		ΦΟ ₁ /11/12	Chip Seal Process Place and Compact with 3"	\$57,161.05	\$10,000.00	\$67,161.05
Calle Pracio		Camino Charro	Chalan Road	0.36	22	cold millings	Poor	3-Poor	Many Patches, edge loss, block cracking	overlay 2" or more Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	Fog Seal	\$2,555.52	New HMA Process Place and Compact with New Double Pentration	\$67,039,81	\$10,000.00	\$77,039.81
South Chaparral		Calle Prado	Dead End	0.10	22	cold millings	Poor	3-Poor	Many Patches, edge loss, block crackino	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends	Fog Seal	\$4,181,76	Chip Seal Process Place and Compact with New Double Pentration	\$64,306.18	\$10,000.00	\$74,306.18
Chalan Way Other Roads		Chalan Road	Cottontali	0,05	20	dirt			2.500 Gradienia	the life of the overlay	Fog Seal	\$1,161.60	Chip Seal Place 4"	\$17,862.83	\$10,000.00	\$27,862.83
South Meadows Road		Agua Fria St	NM 599 Frontage Rd	0.92									Basecourse	\$2,534.40	\$5,000.00	\$7,534.40
dan da 1944 ka sa katala ayalaya a sa sa l	. Net selvesse Henry	Santa Storie walle pa	and the walk of the second	0.92	22	asphalt	Good	10-Excellent	New Construction	Excellent Condition	No Maintenance Required	\$0.00		\$0.00	\$0.00	\$0.00
A CAP TO THE TOTAL OF THE TOTAL	10/02/25	ede es as estas Allas estas Albavinito	Paris Landon (1876)							This will be a separate project to correct significant drainage problems which the County and this will be a separated to						
			total miles	12.41										\$512,333.42	ara e santa arabi	\$607,333.42
			TOTAL ROADS total asphalt total basecourse	7.21						County Cost of Maintenac	e Treatments	20,211.84 \$1,531,609.20				****!BUU-12
			total passecurse total chipseal total gravel total dirt	1.05 0.00 0.00						City Cost of Maintenance	Treatments	\$2,780,634.53				
				1170							Ultterence	\$1,249,025.33	F,	khibit A –]	Dago 2 ce	t a

	MAINTENANCE DISTRICT II	1 i	FROM:	TO:	MILEAGE		1	1	1	ī							
	MANUEL DISTRICT II	ROUTE	BEGINNING	ENDING	LENGTH OF MAINTAINED	TOTAL			Paser			Road	l				
	ROUTE NAME	NUMBER	TERMINI	TERMINI	SECTION	ROADWAY WIDTH	SURFACE	Drainage Rating	Pavement	Visible Distress	General Condition/PASER	Maintenance Manager	Contractor Cost of	I C‼V of Santa Fo	Contractor Cost	1	Contractor Cost City
		<u> </u> [miles	foot	JAWA ETA	i wang	Rating		Treament Measures	Recommended Treatment	Maintenance Treatment	Recommedation	City of Santa Fe Recommedation	Drainage Cost	of Santa Fe Recommedation
[total cold millings	2.75	leet	type	<u> </u>		<u> </u>		Measures			i		Total Cost
							•										

Santa Fe County Price	Tons
Basecourse	\$14.85
НМА	\$66.40

NMDOT Average Unit	
Prices	SQ YD
Process Place and	
Compact Existing	
Pavement	\$1.61
Cold Milling 2*	\$1.40
HMA SP-III Complete	71110
(Tons)	\$71.00

Type of Treatment	Cost of Treatment SQ FT	Cost of Treatment SQ YD
Contractor Fogseal	\$0.10	\$0.90
Contractor Chip Seal	\$0.52	\$4.68
Contractor Double Pentration Chip Seal No Basecourse	\$1.18	\$10,62
Contractor Crackseal	\$0.08	\$0.69
Contractor 2" Overlay	\$1.51	\$13,59
Contractor 3" Overlay	\$2.27	\$20,39
ontractor 4" Basecourse City f Santa Fe Price Agreement Contractor 3" HMA 6"	\$0.48	\$4.32
Basecourse ontractor Process Place and	\$7.58	\$68,22
Compact Ontractor 2" Mill	\$0.36	\$3,22
Pritt actor Z IVIIII	\$0.31	\$2.80